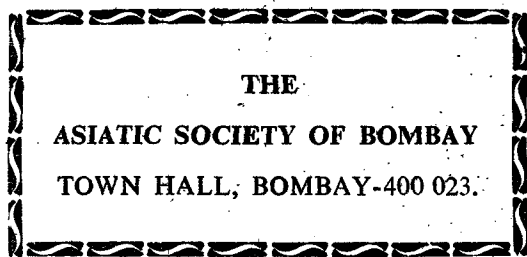


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*Is the Sultan of the Turks the Caliph of
the Mussulmans and Successor
of the Prophet?*

READ AT A MEETING OF THE ROYAL ASIATIC SOCIETY

ON MONDAY, MAY 14, 1877

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BY

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THE MOOHUMMUDAN LAW OF INHERITANCE, THE LAND TAX OF INDIA ACCORDING
TO THE MOOHUMMUDAN LAW, ETC.

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PREFACE.

THE PAPER, though printed, was not intended for publication. But the impression that the Sultan of the Turks is the legitimate Caliph or successor of Mohammed seems to be spreading among the Mohammedans of India: and as I think that they cannot be aware that the claim is in direct opposition to an express declaration of their Prophet himself, I am resolved to publish the Paper, as the best means of bringing the fact to their notice, in the hope that it may be of some use in undeceiving them on a point of some importance.

Since the Paper was read at a meeting of the Royal Asiatic Society, a pamphlet has been published by Mr. Redhouse, under the title of *A Vindication of the Ottoman Sultan's Title of Caliph*, in which some doubt is cast on the authenticity of the Prophet's saying, though it is not expressly contradicted. To meet this doubt it is sufficient for the purpose of this Paper to show that the saying is not only admitted by the Ottomans themselves, but is actually included among the articles of their faith.

PREFACE.

in a work of which M. d'Ohson says in his *Tableau Général de l'Empire Othoman*, that it holds the place of a catechism in the public schools, and in the colleges where doctrine and law are studied by all those who devote themselves to the career of the Oulemahs. The work he styles *Abregé d'Omer Nessefy*, and further adds that it comprehends fifty-eight articles, which are, so to speak, the soul and essence of Mussulman doctrine. The 35th of these articles—to quote M. d'Ohson's words, which appear to be a translation of the original text—runs as follows: "Que l'homme doit être issu du sang des *Quraysh*. Ce point est appuyé sur cette parole du *Téouphat*: 'Les Imams doivent être de la race des *Quraysh*.'"

MS. A. 10. 10

*Is the Sultan of the Turks the Caliph of
the Mussulmans and the Successor
of the Prophet?*

THE atrocities in Bulgaria have brought a scandal on Mohammedanism, to which there seems to be some disposition to ascribe them, rather than to anything peculiarly ferocious in the character of the perpetrators. This may be owing in some degree to the prevalence of two opinions: one that the Mohammedan religion is so essentially intolerant as to be quite inconsistent with impartial government over a mixed population of believers and unbelievers; and the other that the sovereigns of Turkey are the true *Imams* or heads of that religion, as the representatives of the Caliphs or Successors of the Prophet.

Both these opinions I believe to be erroneous; but I confine myself at present to an attempt to refute the latter, as involving issues which extend beyond the Turkish empire, and in particular may affect a large proportion of her Majesty's Mohammedan subjects in India.

Before adverting to the authorities which I think fully bear out the refutation of the second opinion, I will give a brief history of the *Imamut* or office of

Imam, so far as I have been able to trace it from its institution down to the present time.

We are told by Maverdy in his 'Political Constitutions,'¹ that the object or purport of the institution was to, provide for the *Khilafut* or succession to the Prophet in the guardianship of religion and the government of the world.

The office is held by the Soonnees to be elective; but by the Sheeahs it is held to be hereditary in the family of Aly.

The person first selected to succeed the Prophet assumed the title of *Khaleefah*, or Successor to the Apostle of God. The person next in succession was in like manner styled the *Khaleefah* of the *Khaleefah* of the Apostle of God. But as the title, if continued in the same way, would soon have become too cumbersome, *Ameer-ool-Moomineen*, or Commander of the Faithful, was, with universal consent, substituted for it, and ever after continued to be the title of the occupants of the *Khilafut*.

The Turks, as well as the great mass of the Mussulmans of India, are supposed to be Soonnees of the school of Aboo Huneefa, and concur with the Soonnees of the other schools in recognising the four first successors of the Prophet, together with the princes of the House of Ommiyah, who reigned at Damascus, and those of the House of Abbās, who reigned first at Cufa, and afterwards at Baghdad, down to its capture by the Tartars, as the only true and legitimate Imams and successors of the Prophet to that time.

Baghdad was taken in the year 656 of the Hegira, corresponding to A.D. 1258, and for a short

¹ Al Ahkam As-Sultaniyah.

time the *Khilafut* remained entirely vacant. But about two-and-a-half years after that event, according to some reports, a person named Ahmed was brought to Bibars, the reigning Mameluke sovereign of Egypt, by certain Arabs, who declared him to be the lawful son of the *Khaleefah* Dhaher Ben Nasser, of the House of Abbās. This Dhaher Ben Nasser, who had assumed the title of Dhaher Billah, was the penultimate Caliph of Baghdad, and died in the 623rd year of the Hegira, or nearly forty years before the appearance of Ahmed in Egypt. Bibars, the Mameluke sovereign, nevertheless, is said to have convoked an assembly of the Imams and Doctors of Mohammedanism in Syria and Egypt, concerning his condition and person. In his appearance there was nothing to indicate that he was of the blood of Abbās, but the assembly having examined witnesses, and carefully considered the records of the family, pronounced him, under the authority of Bibars, to be by birth, and by the death of Mostadem, the true and lawful Caliph of the Mussulmans, and gave him the title of *Mostanser Billah*, which signifies 'seeking assistance of God.' Being thus installed, he was generally acknowledged throughout the Mameluke dominions in Egypt and Syria, but without any temporal authority; for nowhere was he or any of his successors regarded as anything more than as the Imams or chiefs of the Mussulman religion. Even in that limited capacity they were elected and deposed at the pleasure of the Mameluke sovereigns of Egypt.¹ Still they were held in reverence, and made use of by them, to confirm or strengthen by religious sanctions

¹ D'Herbelot, *Bib. Or.* pp. 633, 987.

their own authority over their people. They were even recognised, nominally at least, as the source of temporal dignities, and were used by the Mameluke soldiery to deprive of regal authority the sovereigns whom they deposed. We have one instance of such recognition by a foreign sovereign, in the case of Bayezed, commonly called Bajazet, a ruler of the Ottoman Turks, who is said to have sent presents and an embassy to one of these Caliphs, in the year 797 of the Hegira, praying him to confer on him the royal dignity by his letters patent.¹ This incident is related by Gibbon, as follows: 'The humble title of Emir was no longer suitable to the Ottoman greatness; and Bajazet condescended to accept a patent of Sultan from the Caliphs, who served in Egypt under the yoke of the Mamelukes; a last and frivolous homage that was yielded by force to opinion by the Turkish conquerors to the House of Abbás, and the successors of the Prophet.' These Caliphs or Successors such as they were, were put an end to in the person of *Motawakkel Billah*, the second of that name, when Egypt was conquered by the Turkish emperor, Selim I. That event took place in the 923rd year of the Hegira, and Motawakkel was carried captive to Constantinople, where he remained till after the death of Selim, A.H. 926, corresponding to A.D. 1519, when he returned to Egypt, and is said to have lived till A.H. 945, or A.D. 1538, but without any recorded attempt to resume the religious functions of the *Khilafut*.²

Nor is there any mention of any subsequent Caliphs in the 'Bibliothèque Orientale,' by M. d'Her-

¹ D'Herbelot, *Bib. Or.* p. 987.

² *Ibid.* 643.

belot, or the 'Modern Universal History,' or, indeed, in any other authentic history with which I am acquainted. But we are told by M. D'Ohson, in his *Tableau Général de l'Empire Othomane*, that, at the time of the conquest of Egypt by the Turks, a formal renunciation was made of the *Khilafut*, by the House of Abbás, in favour of the Ottoman Sultans, and that, by virtue of such renunciation, the right to it was transferred to and acquired by the latter in the person of Selim I. according to the unanimous opinion of modern jurists. M. D'Ohson does not mention who the jurists were, nor does he appear to quote any authority for the facts stated by him. But assuming these, for the sake of argument, to be true, and that the formal renunciation alleged by him actually took place: further, also, assuming that Mostauser Billah was a true scion of the House of Abbás, which, besides the death of Mostadem, the last legitimate Caliph, was the only ground of his recognition by the Council of Bibars, let us now consider the legal effect of these transactions, and whether they were sufficient to carry on the true Apostolical succession from Mohammed to the present Head of the Turkish empire, who is broadly asserted in the new constitution to be the Caliph of the Mussulmans, and who is now about to unfurl, as he is reported to have said, the flag of the *Khilafut* and *Sultanut*.

First, then, is the *Khilafut* hereditary? There is no doubt that the four first successors to Mohammed were elected, and in some of the cases after rather stormy discussion. Moreover, the succession is expressly stated by Maverdy to be matter for *ikhtiyar* or choice, and certain qualifications are

specified as being necessary for both electors and elected. It is true that for about eighty years the office remained in the family of Ommiyah, and for five hundred more in that of Abbás. But that is not inconsistent with the office being elective, for there might be nothing (as in law there was not) to prevent the selection of a son, or any other member of the family of the last occupant, to be his successor. And, indeed, as the Mohammedan Law does not recognise primogeniture, and there cannot be two Imams at the same time, the rule of strict hereditary succession would be inapplicable if the last Caliph happened to leave two or more sons, or persons in the same degree of kindred to him.

There are two ways of supplying a vacancy in the *Khilafat* when it occurs, one by the choice of properly qualified electors, and the other by appointment of the last Caliph. With regard to the first mode some have had an idea that there ought to be a concurrence of all the qualified electors in every city: so that there might be an universal agreement in the appointment of the Imam. But this opinion is repelled by the fact that Aboobekr was elected by those who were present at the first meeting for the purpose of choosing a successor to the Prophet, without waiting for any absentees.¹ There still, however, remains the question, how many are required to give validity to the election. On this point there is no other guide than precedent, and most of the lawyers of Basrah are agreed that the concurrence of not less than five qualified persons is required for that purpose, founding their opinion on two facts. The first is the election of Aboobekr,

¹ Maverdy, p. 6.

which was by five persons, and was generally assented to by the whole community; the second is, that Omar when dying appointed a Council of six persons, so that one should nominate to the Khilafut, with the consent of the other five.¹ Those who happen to be present in the city of the Imam have no preferential right to appoint his successor, though they may usually do so, as having the first intelligence of his death. And when two Imams have been appointed in different cities, though some are of opinion that the preference should be given to the appointment by the city in which his predecessor died, the valid opinion is, being that of the best lawyers, that the office belongs to the person first appointed.²

With regard to the second mode of appointing an Imam, namely, by his predecessor, there is a general agreement as to its legality, which has been established by the Mussulman community having acted upon it on two occasions; first, by confirming the nomination of Omar by Aboobekr, and secondly by accepting the Council of six persons nominated by Omar to select his successor.³ When an Imam has nominated the person to succeed him, it is necessary that the person appointed should accept the appointment, which according to some ought not to be done till after the death of the appointer, but according to others, and theirs is the valid opinion, should be between the appointment and the death, in order that the transfer of the office may be completed by acceptance. It is to be observed that the appointment once made and accepted cannot be cancelled without the resignation of the *Wulee-ahd*

¹ Maverdy, p. 7.

² Ibid. p. 10.

³ Ibid. p. 12.

or person nominated, and that if a second appointment were made without such resignation, the appointment would be void.¹

Having now stated, on what I believe to be unimpeached authority, the rules by which the *Khilafut* or succession to Mohammed is regulated, I proceed to remark that there is no evidence that either of the two modes of appointment was observed at the inauguration of Ahmed, otherwise called Mostanser Billah, or of any of his successors in what has been called the second Abasside dynasty. The Council summoned by Bibars, the Mameluke Sultan of Egypt, seems to have proceeded solely on the erroneous supposition that the *Khilafut* was hereditary in the family of Abbás, and the successors of Ahmed were set up, apparently without any pretence of election, and deposed at the pleasure of the Mameluke Sultans, down to the extinction of their own dynasty by the conquest of Selim I. With regard, again, to the alleged renunciation by the last of these so-called Caliphs, it was not merely in favour of Selim, but in that of the Ottoman Sultans generally; so that each one of that family, so soon as he is promoted to the civil and military dignity of Sultan of the Turks, becomes *de jure* Imam, that is, religious head of the whole Mussulman community. M. D'Ohson has not cited any precedent or authority for this extraordinary doctrine, but the opinion of certain unknown jurists (*l'opinion unanime des juristes modernes*) and the homage received by Selim from the Shereef of Mecca, who presented to him in a silver dish the keys of the Caaba. Leaving to others to determine whether that renunciation

¹ Maverty, pp. 13, 14.

and homage were sufficient to justify the pretensions of the Grand Signor, if there were no other objection to them, I have further to remark that there is an objection, which appears to me to be fatal to these pretensions altogether.

Hitherto, I have said nothing of the qualifications that are required for the *Khilafut*. With one exception they may all be summed up in the justice and piety of the individuals. The exception is confined to the elected, in whom it is required, in addition to the other personal qualifications, that he shall, by *nusub* or lineage, be of the Arab tribe of *Koreish*. For this exception there is *Nuss* or express authority, in a saying of the Prophet himself.¹ And all the Caliphs of the Houses of Ommiyah and Abbás belonged to that tribe, as did also the four first Caliphs. Now, it was upon the authority of that saying of the Prophet, that, at the meeting for the choice of his successor, Aboobekr was preferred to Saad-Ben-Abad, who was put forward by the *Ansars*, or Helpers of Medina, as their candidate for the *Khilafut*.² To assert, then, that anyone who is confessedly not of the tribe of *Koreish* can be a vicegerent of the Prophet, and the Imam, or religious head of the Mussulman community, is little short of flying in the face of the Prophet himself, and, by inference at least, stigmatising as usurpers all his successors in the long chain of Caliphs down to the taking of Baghdad by the Tartars. But this is what M. D'Ohson has done, for he actually quotes the saying in question as 'cette parole du Prophète : Les Imams doivent être de la race des Coreyshites,' and admits that 'la

¹ Maverty, p. 5.

² Ibid. p. 6.

maison Othomane n'a plus l'avantage d'être du même sang, comme exige la loi canonique pour avoir droit à l'Imamat.' Yet he tells us that nevertheless (cependant) according to the unanimous opinion of modern jurists, the right has been acquired to them by the formal renunciation made in their favour in the person of Selim I. I have already said that he has not informed us who the jurists were; and I will now put it to the Mussulman lawyers in Bengal and the North-Western Provinces of India, whether a renunciation, supported by no other authority than the opinion of unknown jurists, is sufficient in *their* opinion to override the authority of an express tradition of their Prophet, the authenticity of which is not called in question.

In a petition to her Majesty from the Mussulmans of Bombay, it is stated that the sovereign of the Turks is looked upon by the vast majority of her Mohammedan subjects as the vicegerent of the Prophet, and the recognised religious head of forty millions of her subjects.

Mussulmans generally all over the world are supposed to consist almost entirely of two sects, called Soonnees and Sheeahs; and both have been supposed to agree, with perhaps some exceptions, that the Imam or religious head of the community must be of the tribe of *Koreish*, though the Sheeahs have added to the qualification, that he must also be of the family of Aly. But if the assertion of the Bombay petitioners be correct, the vast majority of the Mussulmans of India must have relapsed into the heresy of the Kharejites—a sect that was almost exterminated by a victory obtained over them, by

Aly, in the thirty-eighth year of the Hegira. Their heresy consisted chiefly in affirming that a man might be promoted to the dignity of Imam, *though he was not of the tribe of Koreish*¹—a doctrine which we have seen was in direct contravention of an undoubted saying of the Prophet himself. But they also held that there was no necessity at all for an Imam in the world. On this point there is no recorded decision of the Prophet, and the opinion may, it would seem, be entertained by Soonnees without exposing themselves to the charge of heresy. Indeed, that opinion, though it may not have been openly avowed in theory, has been practically acted upon to a great extent by Mussulmans all over the world, with the exception, perhaps, of those subject to or under the influence of the Ottoman Turks. For instance, the Persians and a considerable body in India who are Sheeahs, have held, since 'The Imam Muhudy, their twelfth and last spiritual, as well as temporal leader, retired from human observation,' that 'the temporal as well as spiritual government have devolved, during his absence' (he is supposed to be still alive), 'upon the *Moojtuhids* or enlightened teachers of the law, as his vicegerents on earth,' and consequently every assumption of 'power by any earthly potentate is considered by this sect to be tyrannical and unjust.'² With regard again to the Soonnees—during a residence of upwards of twenty years in India, where I had considerable converse with persons of that sect, I do not remember to have ever heard so much as an allusion to any religious head of their community.

¹ *Modern Universal History*, vol. i. p. 388.

² *Baillie's Digest of Law according to the Twelve Imams*, p. 143.

Nor have I met with any such allusion in my reading (perhaps not very extensive) of Indian History. Further, I have not met with anything on the subject of the *Imamut* in the *Hidayah*—a leading authority on Mohammedan Law, though one whole volume of the original text is taken up with religious observances, and a considerable part of another volume is occupied with *Jihad*, or religious warfare, and other kindred subjects. The same remark is applicable to the great Digest of Mohammedan Law prepared in India, and called the *Futawa Alumgeeree*, a great part of which is occupied in the same manner.

For these reasons I have come to the conclusion that there has not been any generally acknowledged Imam or religious head of the Mussulman community since the taking of Baghdad by the Tartars.

Be this, however, as it may, it is beside the question at the head of this paper, to which I believe no other answer can be given than this: That the Sultan of the Turks is *not*, whoever else may be, the Caliph of the Mussulmans, and the successor of their Prophet.

This answer, which is in strict conformity with the Mohammedan Law, is confirmed by the opinion of Gibbon, who has said expressly that 'The Ottomans cannot style themselves, like the Arabian Caliphs, the descendants or successors of the Apostle of God.' And it is farther strengthened by the precedent given by Mr. Lane of the *Khootbeh* pronounced on Fridays in the great mosques at Cairo, in which the Turkish sovereign is mentioned only as the 'adored King, our master the Sultan,' while the four first successors of the Prophet are

styled 'Khaleefahs' and 'orthodox heads of high dignity and illustrious honour.'

I have already referred to the declaration of the Turkish Sultan, that he is about to display the flag of the *Sultanat* and *Khilafut*. *Sultanat* means government, and, if the word stood alone, the flag would be only an appeal to his subjects generally, on their loyalty to him as their temporal sovereign, to combine in the defence of their common country against a foreign aggressor. *Khilafut* has a wider significance, and a banner with that word inscribed upon it would be an appeal to Mohammedans all over the world, and a call on their spiritual allegiance to join in a sacred warfare for the defence of their religion. It would, in fact, be tantamount to the proclamation of a *Jihad*, and might have a most disastrous effect on the Mohammedans of India, in the present excited state of their minds. In these circumstances, I have thought it right to put them on their guard against a delusion by which they might be betrayed into a course inconsistent with their duty as the subjects of a neutral power.



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